

SOUTHWEST VIRGINIA CHILDREN'S ADVOCACY CENTER BIG STONE GAP, VIRGINIA

**Investigative Protocol
Department of Social Services
Sheriff's Office
Commonwealth's Attorney's Office
Victim Witness Office
Mental Health/Therapy Providers
CASA
Medical professionals
Southwest Virginia Children's Advocacy Center Staff**

The Southwest Virginia Multidisciplinary Team exists to strengthen the coordinated community response to situations of child maltreatment, including sexual abuse, severe physical abuse, severe neglect and fatalities by integrating the existing resources of law enforcement, child protective services, prosecution, victim witness, medical profession, therapeutic agencies and the Children's Advocacy Center so that the perpetrators are held accountable for their actions, to reduce the trauma to child victims and protect the children in our service areas.

The guiding principle in these investigations is a multi-disciplinary approach to reduce trauma to the victim.

The following is a description of the investigative process and procedures each agency representative should take when he /she is involved in a child abuse investigation in the localities of Lee, Scott, Wise Counties, and City of Norton.

Receiving a Complaint Call:

When a DSS worker receives a call:

- Gather as much information from the reporting party as possible for validation that meets DSS criteria and/or law enforcement criteria.
- If Sexual abuse/severe physical abuse is suspected, the on-call law enforcement investigator is contacted to request an investigator to conduct the initial contact along with DSS worker with the child to assess the complaint.
- If the case requires immediate action and is after office hours, a CPS worker will make initial contact with the victim child.
- If the child discloses the abuse, investigations will be initiated immediately.

Revised 08/05

- If report by child is made after normal business hours or on weekends, the on call Department of Social Services worker will contact designated CPS unit and follow-up with the CAC.
- Department of Social Services worker will contact CAC and schedule interviews, crisis intervention and joint forensic interviews as needed.
- Appropriate referrals will be made for counseling services, including CAC.

When Law Enforcement receives a call:

- Gather information and determine if the case involves a **caretaker or non-caretaker** of the child.
- **Caretaker** cases will be cross-reported to DSS and will proceed to conduct a joint initial interview of the child with the DSS worker.
- **Non-caretaker** cases received by a detective should proceed to interview the child and non-offending family members at the CAC, using a DSS or Special Investigator or CAC designated forensic interviewer to assist in interviewing when appropriate. These cases proceed with the same protocol as Caretaker cases and are presented at the next team meeting.
- Should a complaint of abuse or neglect be called to the CAC or other partnering mandated reporting agencies, these agencies will obtain identifying information and instruct the caller to report the complaint to appropriate jurisdiction and agency (DSS or police wherever incident occurred). The agency receiving information will complete a follow-up report to CPS/Law Enforcement and the partnering agency will refer the child/family to the CAC.
- In serious cases of abuse, The Commonwealth Attorney's Office should also be contacted or paged.
- Audio taping/ Videotaping by DSS worker of the child interview is done in accordance to DSS requirements.
- An interview with the reporting party should be held at this time in approved/appropriate circumstances.
- Worker will determine the child's safety. Worker, if necessary, will accompany the child home, call the police/sheriff's department and ensure the alleged abuser and victim are separated.

- Child will be removed when child is deemed to be in imminent danger of harm or life threatening circumstances, in accordance with the VA Department of Social Services Code.
- Conduct an extensive interview with the child victim and non-offending parent/s. **if at all possible, these interviews are conducted jointly by CPS investigators, trained law enforcement investigators and commonwealth's attorney.**
- Interviews should be conducted as soon as possible following initial report and include a routine safety assessment.
- Child should be interviewed without family members present.
- Contact for first interviews will be made at the CAC if possible, the site of abuse or school if necessary.
- If a trained law enforcement investigator is not available a Social Services Worker will attempt to contact the Commonwealth's Attorney for possible assistance in securing law enforcement investigator and discuss prosecution considerations in the event an investigator is unavailable.
- At the conclusion of an interview, information concerning the availability of therapy will be given to the family regarding counseling resources in the area and on the CAC services.
- If abuse is suspected, the Commonwealth's Attorney, if not already, will be notified immediately. This report will contain an outline of the allegations and information gathered during the interview. Complete documentation will be available from the CPS worker.
- If the CPS worker/law enforcement investigator(s) believe physical evidence exists, a medical examination will be requested in order to document significant findings, promote the health and safety of the child, and explain to the child and NOC what has happened to his/her body. If the victim child is past puberty, the team medical doctor or gynecologist of choice should be contacted. If the victim is pre puberty, the CAC medical doctor(s) we have two available should be contacted or another specialist when suitable.
- If the sexual abuse has occurred within 72 hours, a medical examination will be conducted immediately. (RAPE Perk Kit) –will be utilized and appropriate law-enforcement authorities will be notified, and the kit will be sent for analysis immediately by law enforcement. CAC and crisis information will be provided. When available sexual assault advocates will be contacted to provide support to the victim and non-offending supportive family.

Interviewing at the CAC:

- Whether initiated by the DSS worker or law enforcement detective, the follow-up interviews with the child and family members should occur at the CAC with audio and video taping equipment available for recording interviews used for investigative prosecution of the case. Investigators contact the CAC to schedule the use of the interview room as quickly as possible and provide face sheet information on the case to facilitate the child's arrival. Investigators may state needed tools for the interview. Joint interviewing by DSS, Law Enforcement or trained forensic interviewer should be utilized so as to minimize the trauma for the child and family and to reduce number of multiple interviews. The CAC has a trained forensic interviewer on site to provide assistance and interviews as needed.

Before the interview, the Team Members should:

- Introduce themselves to the child and family.
- Explain their role and the role of the CAC during the investigation to the family.
- CAC staff talks with caretaker (s) to obtain written consent for audio/video taping and Consent to Exchange Information if not previously done. DSS may sign consents for a child in their custody; if parent has not signed consents, and is not present at time of interview, consents may be FAXED to parent if possible. Consents are required by the CAC not DSS or law enforcement.
- All Team members observing the interview will sign the Southwest Virginia CAC's confidentiality statement.
- CAC staff will give the child a tour of facility, particularly showing the interview room.
- Investigators may talk with caretaker(s) before or after child's interview in a separate room.
- Provide the parent the CAC's telephone number and /or counselors name if immediate crisis counseling is needed before interview day.

At Time of Interview at CAC:

- The Child/Family will be informed regarding the purpose of the interview.
- Interviewer establishes rapport with child in the interview room.
- Interviewers assess the developmental/emotional stage and capabilities of the child; if child is developmentally delayed a longer interview time may be needed or a follow-up interview in order to establish a level of comfort for the child and to give interviewer the opportunity to learn the child's level and style of communication.
- CAC staff explains to the caretakers in the waiting room/playroom of the counseling/education programs available at the CAC and provides a packet of information for the caretaker to take with them.
- Counseling appointments can be scheduled at this time or phone referrals made for child and family by agencies with direct contact to family and child.

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Investigative interviewers will decide on a case-by-case basis how the interview is to be conducted. During interviews, other team members (Commonwealth's attorney and Victim Witness) may be notified of the scheduled interview to provide maximum input to investigators during questioning of child during this session, to plan progression of further investigation/charges, and to reduce the need for repeated interviews. CAC staff will set up and assist in running the audio and video taping equipment for the interviews.

- During the forensic interview the interviewer will take a break so that MDT members can be consulted for feedback and suggestions. Future plans are to have interviewers wear an ear transmitter, which will allow the interviewer to hear team members suggestions during the interview.

After Child Interview:

- Copies of audio and video tapes will be given to investigators. The CAC maintains a log of tapes given out.
- Family information is shared with Team members either after interview or at Team Meeting.
- Commonwealth Attorney is consulted as needed, he receives a written notification from CAC of all cases referred to the CAC/ MD Team.
- Request for medical examination is made to Team physician or other medical provider if injuries or other medical evidence is suspected.
- In Sexual Abuse cases involving contact, blood tests are done at initial exam and should be repeated six months later as a follow-up.
- Investigators interview alleged offender, other witnesses, and gather further evidence. All offenders would have to be interviewed off CAC premises as offenders not allowed at the CAC.
- If specialist are used in the investigation, Specialists' reports will be received by investigators
- Case will be presented by investigator(s) at the next MD team meeting.
- Law enforcement will secure warrants and criminal charges if indicated.
- DSS and police maintain contact about investigation.
- CAC will maintain a case tracking log with all case information from cases discussed at MDT meetings.
- Should a child be referred to Team physician prior to referral to CAC, and/ or interviewing of child does not take place at CAC, investigator will refer the case to MD Team case review.
- CAC staff will be notified and information about CAC Services will be sent to parents.
- Follow up will be conducted by CAC staff / appropriate team member as designated.
- At next MDT meeting CAC staff will ask if follow-up occurred and outcome.

Confidentiality, Communication and Information Sharing

- Routine sharing of information among MDT members is an important component of the MDT. There are two distinct times when information is shared: within the course of a specific investigation and for the purposes of case review.
- Confidential information is shared within the Primary Investigative Team during the course of investigation and prosecution. Virginia Code authorizes the local department of social services to share confidential information with parties with legitimate interest, including, but not limited to the police, the Commonwealth's attorney and members of a multidisciplinary team. When families are receiving services at the CAC, a confidentiality waiver regarding the process is discussed at length and a signature is obtained from the parent/guardian.
- Case information is also shared with all team members in the context of case review during an MDT meeting. All members of the MDT will agree to and sign the MDT Confidentiality Agreement. The signed forms will be kept on file and maintained by the CAC staff.
- Open and frequent communication between members of the Primary Investigative Team is crucial. Information obtained during the CPS investigation should be fully disclosed to law enforcement and the Commonwealth's attorney. The full disclosure of information includes evidence that supports and/or refutes the allegations and information about all contacts with victims, caretakers and collateral witnesses.

ROLES AND RESPONSIBILITIES

Law Enforcement:

The law enforcement officer generally:

1. Responds to calls in an appropriate manner (that is, one commensurate with the urgency of the call), stabilizes the crime scene, and takes initial statements as appropriate;
2. Performs criminal history record checks on alleged offenders;
3. Collects and preserves physical evidence;
4. Interviews child witnesses or victims in cooperation with CPS;
5. Conducts joint forensic interviews at CAC when possible.
6. Refer child to CAC and NOC or other counseling services
7. Conducts photo lineups or live lineups to confirm the identification if perpetrators, if necessary.
8. Interviews adult witnesses in cooperation with CPS as required;

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Law Enforcement (Continued):

9. Interviews alleged perpetrators in cooperation with CPS as required;
10. Takes suspect into custody, when and if appropriate;
11. Presents criminal cases to obtain warrants, to grand juries to Commonwealth's and in criminal court;
12. Testifies in juvenile and domestic court, if necessary, to ensure the child's protection
13. Can take an unsafe child into protective custody.
14. Participate in MDT meetings and case reviews

Child Protective Services:

The child protective services agency and worker:

1. Accepts reports of abuse and neglect;
2. Interviews alleged child victims in cooperation with law enforcement; coordinate with the CAC staff to conduct joint forensic interviews at CAC when possible.
3. Interviews siblings or other possible child witnesses in cooperation with law enforcement;
4. Interviews non-offending parent(s) in cooperation with law enforcement;
5. Interviews other adult witnesses and collateral contacts in cooperation with law enforcement;
6. Interviews the alleged offender in cooperation with law enforcement;
7. Arranges medical examination and psychological examination of child and parents, if needed;
8. Performs risk assessment (an analytical process to assess the likelihood of future abuse);
9. Plan to protect the child in his or her home or the home of a relative;
10. Petitions the juvenile court for custody to place the child in foster care if imminent danger to child's life or health;
11. Secures a foster home or other appropriate placement;
12. Develops a case plan to meet the child's needs and reduce the risk of future abuse;
13. Arranges community services to support the plan such as counseling or financial support for the mother if the offender has moved out of the home; refer child to the CAC and NOC for treatment/supportive services.
14. Evaluates the service delivery process and the progress or lack of progress by the involved family member; and
15. Testifies in court proceedings (juvenile and domestic and criminal court as well as grand juries if appropriate) and makes recommendations to the court about the long-term plan for permanence for the child.
16. Participate in MDT meetings and case reviews

The Prosecutor:

The prosecutor serves primarily in an advisory role, helping guide the field investigators until the case is ready for disposition. The prosecutor will:

1. Actively participate in developing the overall investigative strategy;
2. Assess the evidence collected to determine its potential utility in court;
3. Assist in drafting search warrants;
4. Participate in victim and suspect interviews when appropriate;
5. Give guidance on legal issues;
6. Determine appropriate charges and the best means of charging (arrest vs. grand jury);
7. Negotiate bail or plea agreements and restrictions;
8. Prepare witnesses for court; and
9. Present the case at trial.
10. Participate in MDT meetings and case reviews

Victim Witness:

The role of the victim witness include:

1. Provides crisis intervention for child victim and family;
2. Assist with application for Crime Victims Compensation
3. Provide court orientation/education
4. Provide court accompaniment
5. Notification of victims and witnesses with information about case status
6. Assists with the Victim Impact Statement
7. Provides information regarding protection from offenders
8. Assists with the recovery of personal property held as evidence
9. Assists with confidentiality issues
10. Provides families information/referrals to the CAC and other mental health services.
11. Participate in MDT meetings and case reviews.

Medical Professionals:

The roles of the Medical Professionals include:

1. Performing forensic medical examinations; (NCA medically trained doctors or other specialists;
2. Interpreting and educating team members on medical findings.
3. Preparing a written report of the forensic medical exam;
4. Record and report the verbal statements made by the child during the examination (which may be allowed in court as a hearsay exception); and
5. Preserving any physical evidence secured during the examination or any photographs taken of injuries and notify appropriate law enforcement authorities.
6. Participate in MDT meetings and case reviews

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Mental Health/therapy Providers:

The roles of the mental health therapy providers include:

1. Providing crisis intervention services to victims and families;
2. Making treatment recommendations for children;
3. Educating the team on child development and human behavior;
4. Assisting in the interpretation of psychological information received by the team.
5. Participate in MDT meetings and case reviews

CAC Staff:

The roles of the CAC staff include:

1. Will notify team members regarding scheduled meetings;
2. Assist in the development and distribution of team agenda;
3. Records case review information and maintains case tracking log;
4. Update MDT members regarding child/NOC treatment services;
5. Obtain medical information if medical doctor is unavailable to attend;
6. Prepare follow-up summaries for members upon agreement;
7. Provide crisis intervention services to child abuse victims and families;
8. Therapist provides treatment services to child abuse victims and families;
9. Family Advocate provides support, education, and referral options to the NOC;
10. Assist the MDT in coordinating forensic interviews;
11. Provides a child-friendly and safe facility for joint forensic interviews;
12. Maintain a data collection system to record all services provided by CAC as well as case and client information;
13. Participate in MDT meetings and case reviews

Supporting Team Member Representative:

The role of supporting team members include:

1. Court service unit staff will up-date on any juvenile court information and/or probation status;
2. CASA staff will provide information based on child's immediate needs;
3. School social worker provides the team with behavioral information on the child if in school, updates school personnel (principal, teacher, guidance counselors, school psychologists, or director of special education about pending court dates and facilitates any interviewing that occurs at schools by investigators and any service for child and family that needs school cooperation;
4. Adult probation and parole will help to keep track of sexual offenders who have re-offended;
5. Supporting team members will participate in MDT meeting and case reviews;

Rev 08/05

MDTeam Review Meetings:

- Each locality chooses the date of the meeting and meet on a regular basis or meet as needed. The Wise County team meets monthly except in December on the third Tuesday of the month at noon in County Administrator's office located at the Wise County Court House. The Lee County team meets monthly except in December on the third Thursday of the month at 2:30p.m. in the Lee County DSS conference room. The Scott County team meets the second Tuesday of every month or as needed except in December at the Scott County DSS conference room at 9:00a.m.
- CAC will notify Team members in advance of meetings. Team agenda will be developed and cases may be added before and during the meetings. The agenda will faxed/e-mailed to all MDT members before meetings.
- Team members routinely include CPS workers, law enforcement officers, mental health counselor, Commonwealth's attorney, Victim-Witness Coordinator, CASA, School social worker, CAC Staff, Court Service Unit staff, sexual assault/crisis center staff and adult probation and parole.
- The Team will discuss upcoming/ available training, research on child abuse cases that would be helpful in working the case and discuss training needs, make arrangements to obtain training as deemed possible.

Team cases are closed when one of the following happens:

1. All Court action is finished
2. Investigation is closed by DSS and/or law enforcement whether founded or unfounded.
3. All service referrals concerning the case are completed and no further Team staffing is necessary, or
4. Loss of contact with the victim or family.